

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

The following described Condominium Unit and Limited Common Elements appurtenant thereto, together with an undivided interest in the General Common Elements located in and being part of PORT AUX PRINCES, PHASE 1, a Condominium Project in Galveston County, Texas as fully described in and as located, delineated and as defined in the Condominium Declaration, together with the Survey Plat, By-Laws and Exhibits attached thereto, recorded in Volume 2112 Page 557 and amended in Volume 2112 Page 665 in the Office of the County Clerk of Galveston County, Texas

Condominium Unit Number Seven Thousand Four (7004), in Building "E" and the space encompassed by the boundaries thereof, and

An undivided 80 percent ownership interest in and to the General Common Elements of the Condominium Project together with the limited common elements appurtenant thereto.

2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: APRIL 7, 2020

Time: The sale shall begin no earlier than 10:00 a.m. or not later than three hours thereafter. The sale shall be completed by no later than 4:00 p.m.

Place: Galveston County Courthouse 1st Floor Lobby, 722 Moody (21st Street), Galveston, Texas 77550

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. Such reposting or refiling may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the

time of sale. The Property will be sold "AS IS." There will be no warranty relating to title, possession, quiet enjoyment, or the like.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and real estate lien note executed by RICHARD MCGAFFEY. The deed of trust is dated July 31, 2008, and is recorded in the Office of the County Clerk of Galveston County, Texas, under Document No. 2008045246.

5. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of \$112,500.00 executed by Richard W. McGaffey, and payable to the order of the Estate of Paul H. Smith and Jane K. Smith. Bay Area Home Financing, LLC is the current owner and holder of the Obligations and is the beneficiary under the deed of trust as said lien and note was transferred by the Estate of Paul H. Smith and Jane K. Smith to Bay Area Home Financing, LLC by Assignment of Deed of Trust recorded in the office of the County Clerk of Galveston County, Texas, under Document No. 2011035432. Said loan was modified by Forbearance Agreement and Loan Modification recorded in the office of the County Clerk of Galveston County, Texas, under Document No. 2019066210 and modified by unrecorded Loan Extension and Modification dated February 26, 2019.

As of February 28, 2020, there is owed \$96,165.54 on the note plus attorney's fees and collection costs in the amount of \$345.00 as of February 28, 2020. The per diem interest rate after February 28, 2020 is \$17.01.

Questions concerning the sale may be directed to the undersigned: SCOTT T. CITEK, (713) 228-2481.

6. Default and Request to Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Trustee, to conduct this sale. Notice is given that before the sale, the beneficiary may appoint another person substitute trustee to conduct the sale.

7. **ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF**

**THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE
IMMEDIATELY.**

DATED: February 28, 2020.

A handwritten signature in black ink, appearing to read "Scott T. Citek", written over a horizontal line.

SCOTT T. CITEK, Substitute Trustee

Telephone: (713) 228-2481

FAX: (713) 651-1044

FILED

Instrument Number: *FILED2020000340*

Filing Fee: 23.00

Number Of Pages:4

Filing Date: 03/04/2020 1:15PM

I hereby certify that this instrument was FILED on the date and time stamped hereon
and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in black ink, reading "Dwight D. Sullivan". The signature is written in a cursive style with a horizontal line underneath the name.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*